

Section 11 (Page 2)

6. Attach as an Exhibit a vertical plan sketch for the proposed total antenna structure, including supporting structure, giving overall height of structure in meters above ground, including lighting beacon (if any).

Exhibit No.
2

7. Will the proposed antenna supporting structure be shared with an AM radio station?

☐ Yes ☒ No

If yes, list the call sign of that station: _____

8. Attach as an Exhibit a polar diagram of the radiation pattern (relative field) in the horizontal plane of the transmitting antenna showing clearly the correct relationship between the major lobe or lobes and the minor lobes of radiation and a tabulation of the pattern at every ten degrees and all maxima and minima. Applicants proposing use of multiple transmitting antennas shall submit a composite radiation pattern. If a non-directional transmitting antenna will be employed, i.e., an antenna with an approximately circular radiation pattern, check here ☐ and omit polar diagram and tabulation. If the antenna manufacturer and model number are on the Commission's list of common "off-the-shelf" directional antennas, check here ☒ and omit polar diagram and tabulation.

Exhibit No.

9. Has FAA been notified of proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed: _____

10. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within 47 C.F.R. 1.1307, such that it may have a significant environmental impact, including exposure to workers or the general public to harmful nonionizing radiation levels?

☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment as required by Section 1.1311. If no, explain briefly why not.

Exhibit No.
3

11. Unattended operation:

Is unattended operation proposed?

☒ Yes ☐ No

If Yes, and this application is for authority to construct a new station or to make changes in the facilities of an authorized station which proposes unattended operation for the first time, applicant will comply with the requirements of 47 C.F.R. Section 74.734 concerning unattended operation.

☒ Yes ☐ No

12. Is type approved broadcast equipment being specified?

☒ Yes ☐ No

If No, indicate date equipment was submitted to FCC Laboratory for approval: _____

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

July 20 1990
Date

Signature <i>Kenneth Renfrow</i>
Typed or Printed Name Kenneth Renfrow
Telephone No. (include area code) (719) 544-5781

☒ Technical Director

☐ Registered Professional Engineer

☐ Consulting Engineer

☐ Chief Operator

☐ Other (specify)

SECTION III - LEGAL QUALIFICATIONS

NOTE: Applicants for new stations only:

1. Applicant is (check one of the following):

- | | | |
|-------------------------------------|--|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> General Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Other | <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Unincorporated Association |

(a) If the applicant is a legal entity other than an individual, partnership, corporation or unincorporated association, describe in an Exhibit the nature of the applicant.

Exhibit No.

(b) For LPTV and TV translator applicants only:

If the applicant is an individual, submit as an Exhibit the applicant's name, address and telephone number (including area code).

Exhibit No.

If the applicant is a partnership, whether general or limited, submitted as an Exhibit the names, addresses, and telephone numbers (including area code) of all general and limited partners (including silent partners), and the nature and percentage of the ownership interest of each partner.

Exhibit No.

If the applicant is a corporation or an unincorporated association, submit as an Exhibit the names, addresses and telephone numbers (including area code) of all officers, directors and other members of the governing board of the corporation or association and the nature and the percentage of their ownership interests in the applicant (including stockholders with interests of 1% or greater).

Exhibit No.

2. For LPTV and TV translator applicants only, submit as an Exhibit a list of all other new applications filed during the same window period as this application in which the applicant or any principal of the applicant has any interest. Include the percentage of that interest for each listed application, as well as the other applicant's name (if different) and the channel number and location of the proposed station.

Exhibit No.

NOTE: No more than five (5) applications for new low power TV or TV translator stations may be filed during a single window period by any applicant, or by any individual or entity having an interest of 1% or more in applications filed in the same window period. This limit does not apply to minor or major change applications or to TV booster applications.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

3. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☐ Yes ☐ No

(b) Will any funds, credit, or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☐ No

If Yes, provide particulars as an Exhibit.

Exhibit No.

4. (a) Has an adverse finding been made, or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; broadcast-related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☐ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 4(a)?

☐ Yes ☐ No

If the answer to 4(a) or 4(b) is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

SECTION III (Page 2)

5. Has the applicant or any other party to this application had any interest in:

(a) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☐ No

(b) a broadcast application which has been denied by the Commission?

☐ Yes ☐ No

(c) a broadcast station, the license for which has been revoked?

☐ Yes ☐ No

(d) a broadcast application in any Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☐ No

If the answer to any of the questions in 5 is Yes, state in an Exhibit the following:

- (i) Name of party having interest;
- (ii) Nature of interest or connection, giving dates;
- (iii) Call letters of stations or file number of application or docket number;
- (iv) Location.

Exhibit No.

MULTIPLE APPLICATIONS

6. The applicant certifies that there is no other application pending that would be directly mutually exclusive with this application in which this applicant has an interest of one percent or more or in which any party to this application is an officer, director, or has an interest of one percent or more, direct or indirect.

☐ Yes ☐ No

If No, this application cannot be accepted for filing.

REAL PARTY IN INTEREST

7. The applicant certifies that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery.

☐ Yes ☐ No

If No, this application cannot be accepted for filing.

SECTION IV - PROGRAM SERVICE STATEMENT

NOTE: For Low Power Television applicants only:

Low Power Television stations must offer a broadcast program service; a non-program broadcast service will not be permitted. Therefore, briefly describe below, in narrative form, your planned programming service.

SECTION V - PREFERENCES

NOTE: Read the following material carefully before answering the questions.

1. All applicants for construction permits for new television translator stations, low power television stations and television booster stations, or for major changes in existing stations, must complete this section. Many pending proposals would create objectionable interference to other nearby proposals if all were granted and are considered mutually exclusive because only one can be granted. The winner from among mutually exclusive applicants will be selected by a lottery. In conducting a lottery, the law requires that certain preferences be awarded to encourage diversity in the ownership of mass communications media and minority ownership. An applicant with preferences will have a greater probability of winning the lottery than an applicant lacking them. Preferences will be computed by the Commission, in the manner described in 47 C.F.R. Section 1.1623.
2. It is essential that information about preferences be completely accurate so that the purposes of the law can be carried out and the lottery conducted fairly. You should, therefore, read very carefully the definitions set out below before answering the questions. **WINNING APPLICANTS PROVED TO HAVE MADE MISREPRESENTATIONS TO THE COMMISSION TO IMPROVE THEIR CHANCES IN THE LOTTERY WILL BE DISQUALIFIED FROM HOLDING THAT AUTHORIZATION AND MAY ALSO JEOPARDIZE OTHER PENDING APPLICATIONS.**

MINORITY PREFERENCE

1. "Minority" means a person who is a member of one of the following groups: Blacks, Hispanics, American Indians, Alaska Natives, Asians and Pacific Islanders. No other groups are recognized for the purposes of the lottery.
2. If the applicant is a sole proprietor, a preference will be awarded if the applicant is a minority.
3. Other entities will be entitled to a minority preference as follows:
 - a. **Partnerships.** If a majority of the partnership (computed on the basis of profits) is in the hands of a minority, the applicant is entitled to a preference. Note that limited or "silent" partners are to be included in determining whether a preference may be claimed. Thus, in a five-person limited partnership in which each partner is entitled to 20 percent of the profits, the partnership is eligible for a minority preference if any three partners (including three limited partners) are minorities.
 - b. **Trusts.** If a majority of the beneficial interests are held by minorities, the trust is entitled to a minority preference. The characteristics of trustee are not considered.
 - c. **Unincorporated associations or nonstock corporations with members.** If a majority of the members are minorities, the entity is entitled to a minority preference.
 - d. **Unincorporated associations or nonstock corporations without members.** If a majority of the governing board (including executive boards, boards of regents, commissions and similar governmental bodies where each board member has one vote) are minorities, the entity is entitled to a minority preference.
 - e. **Stock corporations.** If a majority of the voting shares are held by minorities, the corporation is entitled to a minority preference.
 - f. **Where one form of entity owns an interest in a different form (e.g., a corporation owns 20 percent of a partnership),** the interest owned, in its entirety, follows the characteristics of the owner. Thus, in the example, if 51 percent of the corporation's stock is voted by minorities, its entire 20 percent interest in the partnership would be considered as minority controlled when determining whether the partnership is eligible for a minority preference.

SECTION V (Page 2)

DIVERSIFICATION PREFERENCES

1. In general terms, a preference will be given to an applicant if it and/or its owners have no recognizable interest (more than 50 percent) in the aggregate, in any other media of mass communications. A smaller preference will be given to an applicant if it and/or its owners, in the aggregate, have a recognizable interest in no more than three mass media facilities. No preference is given, however, if any of the commonly owned mass media outlets serves the same area as the proposed station, or if the applicant and/or its owners have more than three mass media facilities. The material that follows will set out in more detail the meaning of "own," "owner," "media of mass communications," and "serves the same area."
2. If an applicant and/or its owners, in the aggregate, do not own any other media of mass communications, the applicant is entitled to a preference. "Own" in this context means more than 50 percent ownership.
3. "Owner" means: the applicant, in the case of a sole proprietor; partner, including limited or "silent" partners, in the case of a partnership; the beneficiaries, in the case of a trust; any member, in the case of a nonstock corporation or unincorporated association with members; any member of the governing board (including executive boards, boards of regents, commissions, or similar governmental bodies where each member has one vote), in the case of nonstock corporation or unincorporated association without members; and owners of voting shares, in the case of stock corporations. For the purposes of the diversification preference, holders of less than one percent of any of the above interests will not be considered.
4. A medium of mass communications means:
 - a. a daily newspaper; or
 - b. license or construction permit for:
 - (1) a television station, including low power and television translator station;
 - (2) an AM or FM radio broadcast station;
 - (3) a direct broadcast satellite transponder;
 - (4) a cable television system; or
 - (5) a multipoint distribution service station.
5. The diversity preference is not available to applicants that control, or whose owners control, in the aggregate, more than 50 percent of other media of mass communications in the same area. The facilities will be considered in the "same area" if the following defined areas wholly encompass or are encompassed by the protected, predicted contour of the proposed low power television, television translator or television booster station. (See Section 74.707(a)):
 - a. AM broadcast station-predicted or measured 2 mV/m groundwave contour (see Sections 73.183 or 73.186);
 - b. FM broadcast station-predicted 1.0 mV/m contour (see Section 73.313);
 - c. Television broadcast station-Grade A contour (see Section 73.684);
 - d. Low power television or television translator station-the predicted, protected contour (see Section 74.707(a));
 - e. Cable television system-the franchised community of a cable system;
 - f. Daily newspaper-community of publication; and
 - g. Multipoint Distribution Service-station service area (see Section 21.902(d)).
6. No diversity preference is available to an applicant whose proposed transmitter site is located within the franchise area of a cable system controlled (owned more than 50 percent) by the applicant and/or its owners. No diversity preference is available to an applicant whose proposed transmitter site is located within the community of publication of a daily newspaper controlled (owned more than 50 percent) by the applicant and/or its owners.
7. If an applicant and/or the owners of the applicant control no more than three other mass media facilities, none of which serve the same area as the proposed station, the applicant will be entitled to a smaller preference than an applicant with no other media facilities.

SECTION V - (Page 3)

REMINDER: Do not complete the following without reading carefully the definitions and other information set out in the foregoing pages.

CERTIFICATION OF PREFERENCES

MINORITY

1. The applicant certifies that it is entitled to and seeks to claim minority preference.

☐ Yes ☒ No

If yes, complete the following:

Name	Address	Percentage Interest in the applicant	Minority Group
------	---------	---	----------------

DIVERSIFICATION PREFERENCE

2. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications.

☐ Yes ☒ No

If Yes, DO NOT respond to questions 3 and 4.

3. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in more than three mass communications media facilities.

☐ Yes ☒ No

4. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed station.

☒ Yes ☐ No

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons?

☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g).

☒ Yes ☐ No

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.

N/A
☐ Yes ☐ No

Primary station proposed to be rebroadcast:

Call Sign KTSC-TV	City Pueblo	State CO	Channel No. 8
----------------------	----------------	-------------	------------------

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted.

☒ Yes ☐ No

That person can be contacted at the following address and telephone number:

Name Clyde N. Still	Mailing Address or Identification 1030 W. Colorado Avenue		
City Colorado Springs	State CO	ZIP Code 80904	Telephone No. (include area code) (719) 630-1030

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

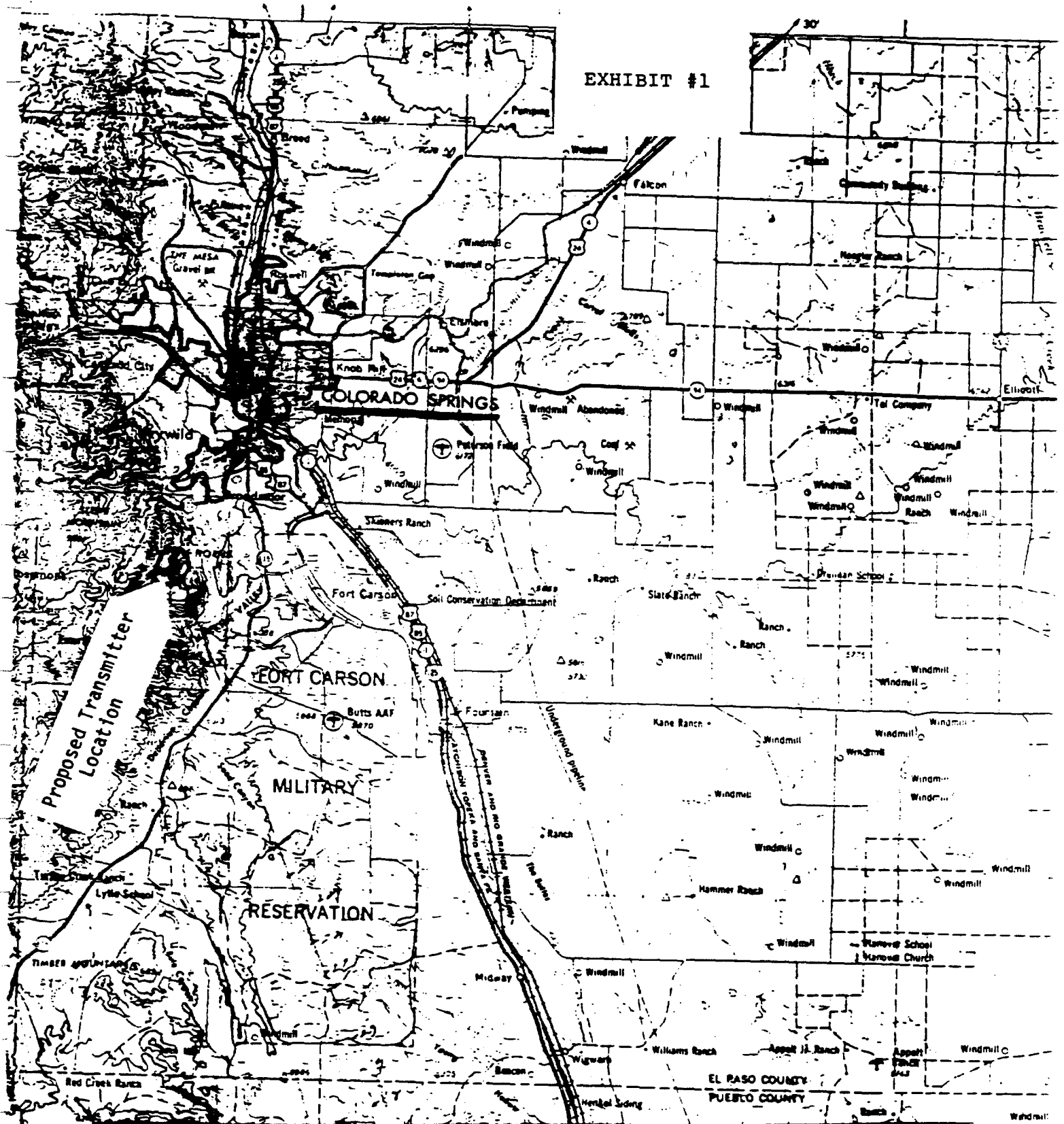
In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

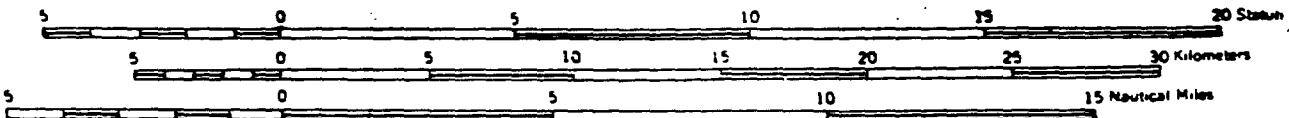
I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Sangre de Cristo Communications, Inc.	Signature <i>[Signature]</i>
Title Pres - Gen	Date 7/20/90

EXHIBIT #1



Scale 1:250,000



CONTOUR INTERVAL 200 FEET
WITH SUPPLEMENTARY CONTOURS AT 100 FOOT INTERVALS
TRANSVERSE MERCATOR PROJECTION

Exhibit 2

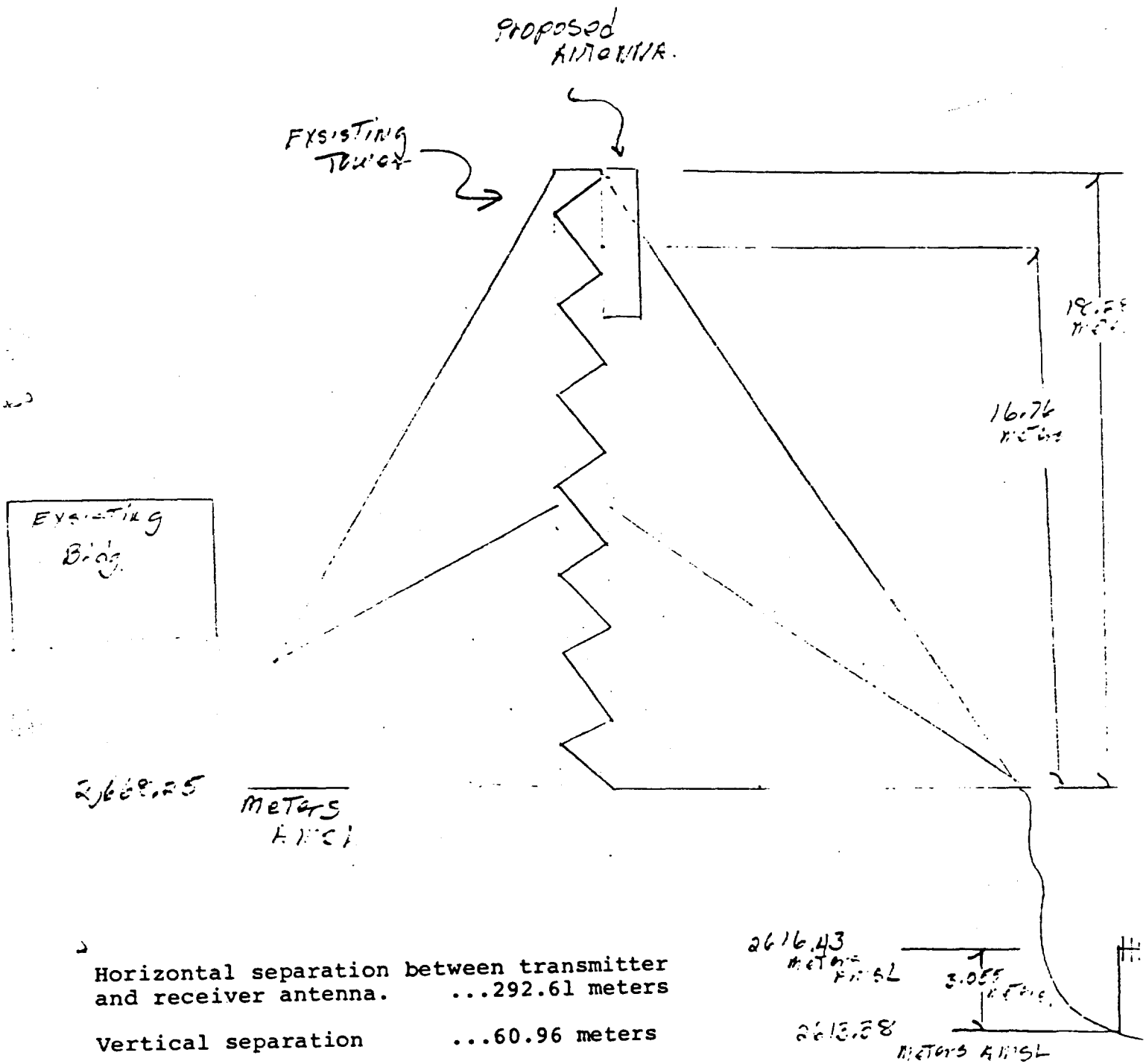


EXHIBIT #3

The proposed modifications in this application will not have a significant environment impact because only the output frequency and a change of antenna is required by the frequency change. The antenna will be the same make and model as the present antenna.

The modification will not expose workers and the general public to harmful nonionizing radiation levels.



UNIVERSITY OF SOUTHERN COLORADO

2200 Bonforte Boulevard
OFFICE OF THE PRESIDENT

Pueblo, Colorado 81001-4901
719 549-2306

June 22, 1990

Sangre de Cristo Communications, Inc.
2200 Seventh Avenue
Pueblo, CO 81003

RE: K15BX Colorado Springs, CO

Dear Sirs:

This letter shall constitute an agreement between the University of Southern Colorado, licensee of noncommercial educational television station KTSC-TV, Pueblo, Colorado ("KTSC"), and Sangre de Cristo Communications, Inc., permittee of television translator station K15BX, Colorado Springs, Colorado ("SCC"), as follows"

Whereas, SCC holds the permit for a television translator station on Channel 15, which is authorized to operate from Cheyenne Mountain just outside Colorado Springs, Colorado; and

Whereas, SCC is willing to utilize its translator for the retransmission of Television Station KTSC-TV on a temporary basis; and

Whereas, KTSC has been providing a television signal to Colorado Springs through Television Translator K53BQ but is about to be forced to terminate use of K53BQ due to activation of a full power TV station on Channel 53 at Castle Rock, Colorado; and

Whereas, KTSC has already applied to the FCC to move its Channel 8 transmitter to Cheyenne Mountain but cannot get the change approved and the new station built in time to prevent a temporary period of signal loss; and

Whereas, the loss of service on K53BQ will therefore result in the loss of a locally licensed noncommercial educational television signal to a large portion of the noncabled homes in Colorado springs; and

Whereas, SCC believes that the public interest will be served by retransmitting Television Station KTSC-TV over K15BX for this temporary period;

SCC and KTSC therefore agree as follows:

1. KTSC, at its sole expense, will acquire all equipment necessary to convert its present K53BQ translator to one with a Channel 15 output and will provide all personnel necessary to construct the facility. The title to this equipment shall belong at all times to KTSC.

The plan for construction of K15BX shall have been approved by SCC in advance and the construction and operation of the translator shall be under the ultimate supervision of SCC, though at the expense of KTSC. All costs of operating the translator shall be the sole responsibility of KTSC.

2. SCC agrees to file a notification with the Federal Communications Commission ("FCC") to specify Channel 8 as the input channel for K15BX together with a statement of retransmission consent, which is hereby given, as well as any applications necessary to implement this proposal.
3. Once construction has been completed, SCC agrees to file an application for a license to cover the construction permit for K15BX with SCC specified as licensee, and to maintain that license by timely filing of renewal applications should the need arise during the term of this agreement. At all times when K15BX is rebroadcasting the Television Station KTSC-TV, SCC, as licensee and/or permittee of K15BX, shall be solely responsible for its operation, and shall have the right to terminate or modify its operation at any time without prior notice to KTSC if such action is necessary to comply with rules or other requirements of the FCC.
4. SCC has the right to terminate this agreement at any time and agrees to give to give KTSC 60 days notice of its intent to do so. Sixty days following such notification, KTSC must complete removal of its equipment from the K15BX transmitter site (if SCC has not exercised the option to acquire the equipment granted by this Agreement), and K15BX will cease retransmitting Television Station KTSC-TV.
5. At any time that SCC wishes to terminate this agreement, or at such time as KTSC determines that use of K15BX to rebroadcast Television Station KTSC-TV is no longer necessary, it shall be given the option to acquire the KTSC equipment at its fair market value.

Sangre de Cristo Communications, Inc.
June 22, 1990
Page 3

6. At such time as KTSC receives approval to move its Channel 8 facility to Cheyenne Mountain and it begins broadcasting from there, the parties agree to confer on the best public interest use of Channel 15, provided, however, that SCC shall have the sole and independent authority to make the final determination with respect thereto.
7. If it is determined by KTSC that it is no longer necessary to utilize K15BX to rebroadcast Television Station KTSC-TV, it shall so notify SCC and give SCC a 60 day period in which to exercise its option to acquire the KTSC equipment.
8. KTSC agrees that it shall reimburse SCC for all its costs incurred in connection with this agreement, including without limitation, legal and engineering costs, operational costs and FCC filing fees.
9. This agreement shall be governed by the laws of the State of Colorado.

University of Southern Colorado

By:

Date

Keith Loring for Robert C. Shirley
6/22/90

Sangre de Cristo Communications, Inc.

By:

Date

[Signature]
June 27, 1990

EXHIBIT 7

DUPLICATE

COPY

TELEPHONE (202) 857-2500

SUZANNE MEYER PERRY

DIRECT DIAL NO.

857-2637

January 28, 1991

TELECOPIER (202) 659-0059

CABLE "DOWLA"
TELEX 425546

RECEIVED

JAN 28 1991

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

Re: Sangre de Cristo Communications, Inc.
Television Translator Station K15BX
Colorado Springs, Colorado

Gentlemen:

On behalf of Sangre de Cristo Communications, Inc., we transmit herewith an application for extension of the construction permit for Television Translator Station K15BX.

There is no filing fee associated with this application.

Should there be any questions concerning this application, kindly contact this office.

Very truly yours,

Suzanne M. Perry
Suzanne M. Perry

SMP:cr
Enclosure

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No. BMPIT-910128JM

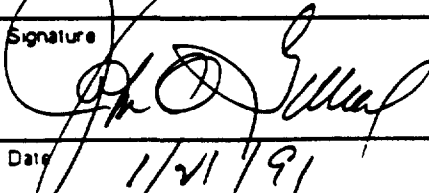
1. Legal Name of Applicant (See Instruction C) Sangre de Cristo Communications, Inc.		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 2200 Seventh Avenue Pueblo, Colorado 81003 <div style="text-align: center;">RECEIVED JAN 28 1991</div>		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number <u>BPTT-820413SI</u> Call Letters <u>K15BX</u> Frequency <u>---</u> Channel No. <u>15</u> Station Location <u>Colorado Springs, Colorado</u>	
Telephone No. (Include Area Code) (719) 544-5781		Federal Communications Commission Office of the Secretary	
5. OTHER: Submit as Exhibit No. <u>N/A</u> a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.			
6. EXTENT OF CONSTRUCTION: (a) Has equipment been delivered? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If NO, answer the following: From Whom Ordered (If no order has been placed, so indicate) Date Ordered _____ Date Delivery Promised _____ (b) Has installation commenced? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced. (c) Estimated date by which construction can be completed. See Exhibit No. <u>1</u>			
7. (a) If application is for extension of construction permit, submit as Exhibit No. <u>1</u> reason(s) why construction has not been completed. (b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s). Are the representations contained in the application for construction permit still true and correct? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, give particulars in Exhibit No. <u>1</u>			

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant Sangre de Cristo Communications, Inc.	Signature 
Title President	Date 1/21/91

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001.

Sangre de Cristo
Communications, Inc.
Exhibit No. 1

K15BX is currently operating pursuant to Special Temporary Authority and is rebroadcasting the signal of noncommercial educational television station KTSC-TV, Pueblo, Colorado, licensed to the University of Southern Colorado ("USC"). This operation makes possible continued provision of educational television service to portions of Colorado Springs which could not otherwise receive a satisfactory signal and which would otherwise have been lost due to the displacement of USC's television translator K53B0.

Extension of the construction permit will permit SCC to continue to rebroadcast KTSC-TV and thus to provide local educational television service to areas of Colorado Springs which would not otherwise be able to receive satisfactory service.

RUBIN, WINSTON, DIERCKS, HARRIS & COOKE

ATTORNEYS AT LAW
1730 M STREET, N.W.
SUITE 412
WASHINGTON, D.C. 20036
(202) 861-0870
FAX: (202) 429-0657

Mar 2 1993

March 2, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Stop Code 1170
Washington, D.C. 20554

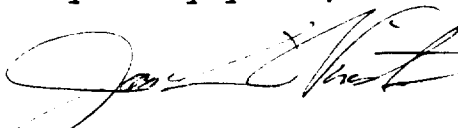
Re: University of Southern Colorado, Application
for Extension of Construction Permit
File No. BPET-900122KE

Dear Ms. Searcy:

Enclosed herewith on behalf of KKTU, Inc. are an original and four copies of its PETITION TO DENY APPLICATION FOR EXTENSION OF CONSTRUCTION PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED in the above-captioned matter.

Please contact the undersigned if you have any questions concerning this matter.

Very truly yours,


James L. Winston

Enclosure

cc: Barbara Kreisman
Stanley Neustadt, Esq.
Kevin F. Reed, Esq.
Richard Hildreth, Esq.
Jonathan D. Blake, Esq.

Before the
FEDERAL COMMUNICATIONS COMMISSION 20554

In re Application of)	
)	
University of Southern Colorado,)	File No. BPET-900122KE
Licensee of Station KTSC(TV),)	
Channel *8)	
Pueblo, Colorado)	

To: Chief, Mass Media Bureau

**PETITION TO DENY APPLICATION FOR EXTENSION OF CONSTRUCTION
PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER
TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED**

KKTV, Inc. ("KKTV"), by and through its undersigned counsel, respectfully petitions the Commission to deny the February 16, 1993 application of the University of Southern Colorado ("USC") to extend the above-captioned construction permit and, alternatively, supplements its December 4, 1992 Petition for Issuance of Order to Show Cause, stating as follows:

1. The above-captioned construction permit was granted on February 28, 1991 for construction of new facilities for KTSC-TV. By its terms, this construction permit expired February 28, 1993. On February 16, 1993, a mere twelve days before the expiration of the construction permit, USC filed its Application for Extension of Construction Permit.

2. On December 4, 1992, KKTV filed its Petition for Issuance of Order to Show Cause why the above-captioned construction permit should not be revoked. That Petition is still pending.

3. In its application for extension of the construction

permit, USC concedes that equipment has not been delivered. USC further concedes that installation of equipment has not commenced.

4. The sole reasons USC has given for extension of the construction permit are that:

a. USC and Sangre de Cristo Communications, Inc. ("KOAA-TV") have entered into a channel swap agreement under which the parties filed a joint petition for rulemaking on September 8, 1992 to permit the swap;

b. This channel swap can only take place if the reservation for educational purposes is removed from Channel 8 and assigned to Channel 5;

c. The September 8, 1992 petition supposedly gives the public interest reasons for supporting the request for the channel swap;

d. USC and KOAA-TV are awaiting action on the September 8, 1992 petition and cannot begin construction until the Commission acts on the petition;

e. "At such time as Commission action takes place, the parties will immediately undertake the indicated action."

Exhibit 1 to USC's Application for Extension of Construction Permit, Response to Question 7.

5. The Commission should deny USC's Application for Extension of Construction Permit and/or grant KKTU's Petition for Order to Show Cause, because USC's Application fails to demonstrate that USC has met the stringent Commission criteria for extension of a construction permit.

I. The USC Application Is Untimely

6. Section 73.3534 of the Commission's Rules, which governs applications for extensions of construction permits and for construction permits to replace expired construction permits, states, in pertinent part, as follows:

(a) ...The application shall be filed at least 30 days prior to the expiration of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, an application will be accepted upon a showing to the FCC of sufficient reasons for filing within less than 30 days prior to the extension.

7. Here, USC filed its application a mere 12 days prior to the expiration of the construction permit. The facts upon which USC relied for the extension of time were known to it at least as early as September 8, 1992, when USC and KOAA-TV filed their joint petition for rulemaking to permit the channel swap. Thus, USC clearly knew the facts supporting its application early enough to file its application at least 30 days prior to the expiration of the construction permit. Yet, USC chose to ignore the 30 day deadline in Section 73.3534(a).

8. In addition, USC has not even attempted to allege sufficient reasons for filing within less than 30 days of the expiration of the construction permit, no less make a satisfactory showing of any such reasons.

9. USC's untimely application therefore should be denied for the very simple reason that USC has totally failed to meet the Commission's 30 day deadline for filing such an application and has failed to explain why the deadline could not be met.

II. The USC Application Does Not Meet the Commission's Strict Standards for Extension of Construction Permits

10. Even if the Commission were inclined to consider USC's untimely application, the application completely fails to demonstrate that the Commission's strict standards for extension of construction permits have been met. Indeed, the known facts

demonstrate that USC's application cannot possibly meet the Commission's standards for extension of construction permits.

11. Section 53.3534(b) of the Commission's Rules makes it clear that the Commission will grant extensions of time to construct broadcast stations such as USC's:

...only if one of the following three circumstances has occurred: (1) construction is complete and testing is underway looking toward prompt filing of a license application; (2) substantial progress has been made, i.e., demonstration that equipment is on order or on hand, site acquired, site cleared and construction proceeding toward completion; (3) no progress had been made for reasons clearly beyond the control of the permittee (such as delays caused by governmental budgetary pressure and zoning problems) but the permittee has taken all possible steps to expeditiously resolve the problem and proceed with construction.

USC has not alleged, no less demonstrated, that any of these three circumstances justifies an extension of its construction permit.

12. USC does not allege that construction is complete. In fact, USC concedes that construction has not even commenced. Thus, the first circumstance for granting an extension of the construction permit is not applicable.

13. In addition, USC does not allege that substantial progress has been made toward completion of construction. Indeed, USC concedes that equipment has not been delivered. USC also does not claim that any equipment has been ordered, the site acquired, the site cleared or that construction is proceeding toward completion. Therefore, the second circumstance for granting an extension of the construction permit also is not applicable to USC's application.

14. Finally, USC does not allege in its application that no

progress had been made for reasons clearly beyond USC's control (such as delays caused by governmental budgetary pressure and zoning problems) or that USC has taken all possible steps to expeditiously resolve the problem and proceed with construction. The only place that USC has ever claimed that "budgetary constraints" were a factor in its not building the new facilities is a brief unsupported statement at the very end of its Joint Consolidated Opposition to Petitions for Issuance of Order to Show Cause. Even there, all USC claims is that: "...after the University obtained the Cheyenne Mountain Permit, it, like other state educational institutions struggling to survive in these recessionary times, experienced budgetary constraints which made KTSC's relocation a more challenging endeavor for the University." Joint Consolidated Opposition at 20.

15. A vague and unsupported claim of "budgetary constraints" simply does not rise to the level of being a cause beyond a permittee's control which excuses a failure to construct facilities. Nor does it meet the Commission's requirement that a permittee show that it has taken all possible steps to expeditiously resolve the problem and proceed with construction.

16. The Commission repeatedly has reaffirmed its general position that simple unavailability of funds is not considered a cause beyond the control of a permittee. See, e.g., Horseshoe Bay Centex B/casting Co., 5 FCC Rcd 7125, 68 RR2d 1021 (1990), Community Service Telecasters, Inc., 6 FCC Rcd 6026, 69 RR2d 1608 (1991). The Commission has been willing to grant a waiver due to

financial hardship only where the permittee has demonstrated that it had "...made diligent and continual attempts to complete construction, only to see its efforts unexpectedly and summarily defeated by the cancellation of committed financing from traditional capital sources." Horseshoe Bay, 5 FCC2d at 7128 (emphasis in the original), Community Service, 69 RR2d at 1611.

17. Here, USC has not even purported to allege that it has made diligent and continual efforts to complete construction and to obtain financing. Thus, the third and final circumstance justifying an extension of the construction permit is absent and cannot be a basis for granting USC's application for extension of its construction permit.

18. The only basis for granting the extension of the construction permit offered by USC is that there is pending a joint petition for rulemaking to permit a channel swap. Thus, in reality, USC's sole basis for granting the waiver is that there is pending an effort by USC to assign the construction permit to KOAA-TV. The pendency of such a proceeding simply does not support the granting of an extension of a construction permit.

19. The Commission specifically revised its Rules in 1985 to establish stricter guidelines for the granting of broadcast applications for extensions of time to construct. Construction of Broadcast Stations, 102 FCC2d 1054 (1985). At that time, the Commission deleted that portion of Section 73.3534 of the Rules that had permitted grants of extension applications upon a showing of "other matters," such as the pendency of an assignment applica-

tion and the assignee's ability to quickly construct the station. Community Service, 69 RR2d at 1612.

20. Since 1985, the Commission has repeatedly declined to extend construction permits where modification and assignment applications were pending. Indeed, the Commission has specifically held that neither the pendency of an assignment and modification application nor the firm commitment of the assignee to construct the station can overcome the fact that the permittee took no steps to construct the station or to solve its problems before the application for assignment and modification was filed. Community Service, 69 RR2d at 1612. In doing so, the Commission has noted that, even under its pre-1985 rules, a permittee's extension of time request filed for the purpose of assigning the permit and recovering its expenses did not warrant grant of an extension. Id., citing Community Telecasters of Cleveland, Inc., 58 RR2d 1296, 1303, 36 RR2d 1609 (1976).

III. Conclusion

21. The University of Southern Colorado simply has failed to meet the requirements of Section 73.3534 for an extension of its construction permit. The application for extension was not timely filed. More importantly, the application simply does not demonstrate that (1) construction is complete and testing is underway looking toward prompt filing of a license application; (2) substantial progress has been made; or (3) no progress had been made for reasons clearly beyond the control of the permittee. Finally, USC's attempt to use the pendency of the joint petition